

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

BRYANT WHITBY, #A0715868,)	CIV. NO. 1:19-cv-00086 DKW-RT
)	
Plaintiff,)	ORDER DISMISSING COMPLAINT
)	AND DENYING IN FORMA
vs.)	PAUPERIS APPLICATION AND
)	MOTION FOR APPOINTMENT OF
HALAWA MEDICAL UNIT, DR.)	COUNSEL
TOYAMA,)	
)	
Defendants.)	
_____)	

Before the court are pro se Plaintiff Bryant Whitby's prisoner civil rights Complaint, Application to Proceed In Forma Pauperis by a Prisoner (IFP Application), and Motion for Appointment of Pro Bono Counsel. ECF Nos. 1-3. Whitby is incarcerated at the Halawa Correctional Facility (HCF).

Whitby's Complaint is unsigned and provides no information regarding his claims against HCF or Dr. Toyama, beyond his cryptic jurisdictional statement, "Parkinson's Disease Medication." Compl., ECF No. 1, PageID #1. The Complaint is otherwise blank.

Whitby's IFP Application, although signed, is incomplete. Whitby submits only the first page of the IFP Application, and therefore has neither consented to deduction of funds from his prison account nor shown the preceding six-month balances in his prison account, as required under 28 U.S.C. § 1915(a)(2).

Whitby's Motion for Appointment of Counsel, which is also signed, states only "I am indigent and I have Parkinson's Disease." ECF No. 3, PageID #12. It is otherwise blank.

As filed, Whitby's pleadings and other filings are completely inadequate to allow the Court to determine whether: (1) Whitby can state a colorable claim for relief against the named Defendants; (2) Whitby is indigent; and (3) the appointment of counsel is in the interests of justice. As such, the Complaint is DISMISSED with leave to amend, and the IFP Application and Motion for Appointment of Pro Bono Counsel are DENIED.

CONCLUSION

(1) Whitby's Complaint is DISMISSED without prejudice. Whitby is directed to file a signed, amended complaint on or before April 12, 2019. Whitby's amended pleading must adequately describe his claims, explain why he believes Defendants are legally responsible for such claims, set forth this Court's jurisdiction for his claims, and assert an explicit request for relief. Whitby should not refer to cases or statutes to support his claims, but must simply and clearly explain what happened, when it happened, who is allegedly responsible for what happened, how his injuries are connected to what happened and to the person(s) responsible, and why he has commenced this action in this federal court. The

amended complaint must be submitted on this Court's prisoner civil rights complaint form, and all questions on the form should be answered.

IN THE ALTERNATIVE, Whitby may voluntarily dismiss this action in writing on or before April 12, 2019. If Whitby does so, this action will be dismissed without prejudice, and he will incur no fees or costs for this action.

(2) Whitby's IFP Application and Motion for Appointment of Pro Bono Counsel are DENIED without prejudice.

(3) The Clerk of Court is DIRECTED to send Whitby a blank prisoner civil rights complaint form and a blank Application to Proceed In Forma Pauperis as a Prisoner form so that he may comply with this Order if he decides to proceed with this suit rather than voluntarily dismiss this action.

(4) If Whitby fails to timely amend his pleadings and IFP Application, this suit may be AUTOMATICALLY DISMISSED without further notice.

IT IS SO ORDERED.

DATED: March 8, 2019 at Honolulu, Hawaii.



/s/ Derrick K. Watson
Derrick K. Watson
United States District Judge

***Bryant Whitby v. Halawa Medical Unit, Dr. Toyama*; Civil No. 19-00086 RT; ORDER DISMISSING COMPLAINT AND DENYING IN FORMA PAUPERIS APPLICATION AND MOTION FOR APPOINTMENT OF COUNSEL**

Whitby v. Halawa Medical Unit, et al., No. 1:19-cv-00086 DKW-RT; PSA Scrng '19